

REMARKS

Claims 1, 2, 4, 8, 10 – 18, 20, 21, and 23 – 64 are currently pending. Claims 21, 57 – 60, 62, and 63 (Group IV) have been withdrawn. Applicants reserve the right to request joinder of the Group IV claims pursuant to allowance of the product claims of Group I and amendment as necessary of the withdrawn process claims to require all limitations of the allowed product claim. Claims 1, 2, 10 – 14, 17, 23 – 37, 43, and 46 (Group I) and claims 20, 39 – 42, 44, and 45 (Group III) have been cancelled herewith in this Election and Reply without prejudice to Applicants' rights to pursue the inventions of these claims in other patent applications.

RESTRICTION

In the Restriction Requirement, the Examiner restricted the then pending claims into four (4) groups of Inventions as follows:

- I. Claims 1, 2, 10 – 14, 17, 23 – 37, 43, and 46, drawn to a host-vector system comprising one regulatable promoter.
- II. Claims 4, 8, 15, 18, 47 – 56, 61, and 64, drawn to a host-vector system comprising two different regulatable promoters each repressed by a different repressor.
- III. Claims 20, 39 – 42, 44, and 45, drawn to a method of delivering a nucleic acid vector to an eukaryotic host by administering to the host a microorganism comprising a host-vector system having one regulatable promoter.
- IV. Claims 21, 57 – 60, 62, and 63, drawn to a method of delivering a nucleic acid vector to an eukaryotic host by administering to the host a microorganism comprising a host-vector system having two different regulatable promoters.

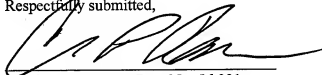
Applicants hereby elect without traverse the Group II invention, which is drawn to a host-vector system comprising two different regulatable promoters each repressed by a different repressor. Applicants identify Claims 4, 8, 15, 18, 47 – 56, 61, and 64 as the claims corresponding to this election. In electing the Group I invention, Applicants reserve the right to pursue consideration of claims 21, 57 – 60, 62, and 63 (Group IV) for rejoinder. Applicants further reserve the right to pursue claims directed to any of the inventions of Groups I, III, and IV in divisional applications.

CONCLUSION

We hereby petition for a five (5) month extension of time under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 20-0823. However, in the event that additional extension or other fees are necessary to prevent abandonment of this application, then such fees required are hereby authorized to be charged to our Deposit Account No. 20-0823.

The Examiner is encouraged to contact the undersigned via telephone at the number provided, if it is determined that personal communication will expedite prosecution of this application. The undersigned Agent hereby represents to the United States Patent and Trademark Office that he is authorized to represent the owners of this patent application pursuant to the provisions of 37 C.F.R. §1.34.

Respectfully submitted,



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